

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALYSSA SUKANA and ANDREA CANEDO,

Plaintiffs,

- against -

THE CITY OF NEW YORK; NEW YORK CITY MAYOR
BILL DE BLASIO; NEW YORK POLICE DEPARTMENT
("NYPD") COMMISSIONER DERMOT SHEA; NYPD CHIEF
OF DEPARTMENT TERENCE MONAHAN; NYPD
ASSISTANT CHIEF KENNETH LEHR; NYPD LEGAL
BUREAU SERGEANT KENNETH RICE; NYPD OFFICER
FIRST NAME UNKNOWN (FNU) WEBB; and NYPD
MEMBERS JOHN AND JANE DOES #1-92,

Defendants.
-----X

NOTICE OF REMOVAL

Docket No. 21 Civ 10899

Law Dep't No.: 2021-002074

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants The City of New York (hereinafter the "City"), Mayor Bill De Blasio, and New York Police Department Commissioner Dermot Shea, by and through their attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. Upon information and belief, on November 18, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, under Index No. 811950/2021E, naming the City, Mayor Bill DeBlasio, Commissioner Dermot Shea, Chief of Department Terence Monahan, Assistant Chief Kenneth Lehr, Sergeant Kenneth Rice, Police Officer Dacia Webb s/h/a NYPD Officer First Name Unknown Webb, and NYPD Members John and Jane Does as defendants therein, and setting forth the claims for relief upon which the action is allegedly based. A copy of

Plaintiff's Summons and Verified Complaint, filed on September 2, 2021, is annexed hereto as Exhibit A.

2. According to affidavits filed on November 22, 2021, on the New York State Courts Electronic Filing System, Plaintiff served Mayor DeBlasio and Commissioner Shea on November 18, 2021, Assistant Chief Lehr and Officer Webb on November 19, 2021, and Chief Monahan and Sergeant Rice on November 22, 2021.

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

4. Plaintiffs bring this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, claims of false arrest, excessive force, malicious prosecution, and violations of the Plaintiffs' First Amendment, due process, and equal protection rights, along with state law claims for false arrest, malicious prosecution, assault and battery, and negligent training and supervision. See Ex. A.

5. Chief Monahan, Assistant Chief Lehr, Sergeant Rice, and Officer Webb consent to the removal of this action to federal court. The Consent to Removal forms are annexed collectively hereto as Exhibit B.

6. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by the City. See 28 U.S.C. § 1446(b); Fed. R. Civ. P. 6(a)(1)(C).


7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

8. Defendants are unaware of any previous application for the relief requested herein.

WHEREFORE, Defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 20, 2021

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